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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

SUMMARY RECORD OF THE 1462nd MEETING

Held at Headquarters, New York,
on Thursday, 25 July 1996, at 10 a.m.

Chairman: Mr. SAMANA (Papua New Guinea)

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The meeting was called to order at 10.40 a.m.

QUESTION OF PUERTO RICO

Requests for hearings

1. The CHAIRMAN said that at its previous meeting, on 24 July 1996, the Special Committee had decided to hear representatives of organizations interested in the question of Puerto Rico. He drew attention to the requests for hearings contained in aide-mémoire 13/96 and Add.1 and asked the Committee to comply with them. He took it that the Special Committee wished to grant those requests for a hearing.

2. It was so decided.

Hearing of petitioners

3. At the invitation of the Chairman, Mr. Bras (Common Cause for Independence) took a place at the petitioners' table.

4. Mr. BRAS (Common Cause for Independence) said that the meeting coincided with the ninety-eighth anniversary of the armed invasion of Puerto Rico by the United States of America on 25 July 1898. He also pointed out that on 25 July 1952, the Commonwealth status of Puerto Rico had been proclaimed by the Constituent Convention convened and elected in accordance with United States legislation. The Governor of the Territory had then asked President Eisenhower to request that Puerto Rico should be withdrawn from the list of the Non-Self-Governing Territories of the United Nations, in order to free the administering Power from the obligation to transmit information on the Territory to the Secretary-General. Acceding to that request on 27 November 1953, the General Assembly had adopted resolution 748 (VIII) entitled "Cessation of the transmission of information under Article 73 e of the Charter in respect of Puerto Rico". Nevertheless, in view of objections raised by a number of Member States, a paragraph had been added at the end of the resolution in order to establish clearly that the definitive status of the Territory had not been determined. In that paragraph, the General Assembly expressed its assurance that due regard would be paid to the will of the peoples of Puerto Rico and the United States in the conduct of their relations under the new legal statute, and also in the eventuality that either of the parties to the mutually agreed association might desire any change in the terms of that association.

5. At that same session, the United States Government had promised to listen to any request for greater autonomy or complete independence that might be put forward by the Legislative Assembly of Puerto Rico. That promise had not been kept: in 1959, the United States Administration had rejected a bill that had been adopted by the Legislative Assembly and had sought to bring about the Territory's autonomy.

6. In 1960, during the General Assembly debate on decolonization, owing to the efforts by the representatives of the Movement for the Independence of Puerto Rico, the words "or all other Territories which have not yet attained

independence" had been added to paragraph 5 of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)) so that that resolution would apply not only to Trust and Non-Self-Governing Territories. When the Special Committee, set up to monitor the implementation of the Declaration, had met for the first time in 1963, the Movement for the Independence of Puerto Rico had been the first petitioner to be heard. Unfortunately, the pressure exerted by the United States on numerous Member States had, for many years, prevented consideration of the situation affecting Puerto Rico. Only in 1972 had the Special Committee been able to adopt a resolution requesting its Working Group to submit a report containing recommendations on measures to be taken to monitor the implementation of resolution 1514 (XV) in that Territory.

7. Subsequently, from 1973 to 1991, the Special Committee had adopted 16 resolutions and decisions on the question of Puerto Rico. Nevertheless, the United States had never accepted the Committee's competence, arguing that the Territory had had its own Government since 1952 and therefore did not fall within the scope of the Declaration. The information provided above, however, ran counter to that statement.

8. It was deplorable that no solution had been found to the problem of the colonization of Puerto Rico, which was growing worse from year to year since the social, economic and political problems were multiplying. In fact, the United States House of Representatives had submitted a draft statute for Puerto Rico, which was designed to legitimize the most primitive forms of colonialism. The draft statute rejected the Territory's autonomy on the basis of the 1898 Treaty of Paris, which had transferred sovereignty over Puerto Rico from Spain to the United States and also on the basis of a clause in the Constitution concerning territories (territorial clause), which provided that only the Congress could adopt laws and regulations concerning United States property. That country's current congressional majority was thereby seeking to proclaim what it called, not without cynicism, "the full powers of Congress over Puerto Rico".

9. Nevertheless, the national identity of the Puerto Rican people was asserting itself more and more forcefully. Tired of 500 years of colonial domination and aware of the fact that the growing regionalization and globalization of the economy went hand-in-hand with the assertion by all peoples of their national identity, the Territory's population did not want Puerto Rico to be reduced to the status of a neo-colonial satellite. That new fervour had been particularly in evidence at the demonstration that had taken place during the conference of the governors of the various states of the United States in Puerto Rico: more than 100,000 persons representing all political leanings had participated in it, in spite of all the efforts made to divide the population.

10. Several anniversaries had been celebrated on the island on 25 July: the anniversaries, of course, of the 1898 invasion and of the proclamation of the commonwealth status of Puerto Rico (it should be pointed out in that regard that the members of the Puerto Rican Government would favour transforming the Territory into a province of the United States, even going so far as to accept English as the Territory's official language) as well as the anniversary of the death of two young people murdered by the police in 1978. It should also be recalled that 15 political prisoners and prisoners of war were still

incarcerated in the United States and that the population was unanimously in favour of inviting the international community, more specifically the Special Committee, to express its solidarity by calling on the President of the United States to bring about their unconditional release.

11. In view of the foregoing, the Special Committee should undertake not to postpone once again the taking of a decision on the Territory and should ensure that the consideration of the question the following year would lead to the adoption of a resolution setting forth the overall application of the Declaration on the Granting of Independence to Colonial Countries and Peoples with regard to Puerto Rico. In the meantime, an information campaign should be organized to inform the entire world about the tragic situation of the Puerto Rican people.

12. Mr. Bras withdrew.

13. The CHAIRMAN reminded the petitioners to limit their statements to 10 minutes.

14. Mr. RIVERO ROSARIO (Cuba) said that, while he shared the desire of the Chairman to ensure that the time limit for speaking was respected, he felt that it would be good to demonstrate flexibility in order to enable the petitioners to make their statements without being interrupted.

15. The CHAIRMAN said that he had taken note of the point raised by the representative of Cuba, but that, while showing flexibility, he wished to make the most effective use of conference services and thereby comply with the decision taken by the Bureau. There was a long list of petitioners, making it even more important to respect the decision, so that all speakers would be able to make their statements.

16. At the invitation of the Chairman, Mr. Martínez (Congreso Nacional Hostosiano) took a place at the petitioners' table.

17. Mr. MARTÍNEZ said that, in 1992, the Committee had agreed to defer consideration of the question of Puerto Rico to 1995. The time had come to take a decision on the question of colonialism in Puerto Rico without further delay.

18. The eleventh Conference of Heads of State and Government of the Non-Aligned Countries, meeting from 14 to 20 October 1995 in Cartagena, Colombia, had, as in previous years, reaffirmed the right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly resolution 1514 (XV). In addition to a final declaration in Cartagena, the conference had adopted a brief document, entitled "the Colombia Appeal", for the elimination of the vestiges of colonialism and foreign occupation and for concerted action against new interventionist tendencies.

19. On 17 October 1995, at hearings held by the subcommittee of the United States Congress for indigenous and western hemisphere affairs, the representative of the President of the United States, Mr. Geoffrey L. Farrow, who was also the co-chairman of the inter-agency working group on Puerto Rican affairs, had stated that the current impasse would continue until the Federal

Government faced up to its responsibilities in the matter and gave real content to its policy of support for the self-determination of Puerto Ricans.

20. On 6 March 1996, the Republican representative of Alaska, Don Young, had submitted to the United States House of Representatives, with the support of its President, Newt Gingrich, and a large number of the representatives of both national parties, Bill No. 3024 on procedures for giving Puerto Rico its own government. That bill was based on the hypothesis that Puerto Rico was a territory of the United States, that, in the terms of the territorial clause, fell under the supreme authority of the United States Congress. The bill denied the existence of any pact or convention limiting the power of Congress over Puerto Rico, an interpretation of the Constitution which he endorsed. If adopted by Congress, it would, however, have major international consequences, because it contradicted the position taken by the United States Government on the matter in 1953, a position which had served as the basis for General Assembly resolution 748 (VIII) concerning the United States cessation of the transmission of information on Puerto Rico. Puerto Rico, having become a Commonwealth, had been removed from the list of Non-Self-Governing Territories. Inasmuch as the Young bill contradicted the very basis of resolution 748 (VIII), the United States must accept that the competent body for the settlement of international disputes should have jurisdiction over the matter and participate in the formulation of a decolonization process in accordance with the conditions stipulated in relevant United Nations resolutions and declarations.

21. The Young bill further proposed that Spanish should be replaced by English as the official language of Puerto Rico. As barely 20 per cent of its population spoke English, that decision would give rise to major controversy. He stressed that respect for the culture of peoples was the primary obligation imposed on administering Powers by Article 73 of the Charter.

22. The Congreso Nacional Hostosiano had submitted to the United States Congress a paper in which it opposed Bill No. 3024, which would not provide a way forward from the current impasse because it made the right of self-determination of the Puerto Rican people subordinate to decisions taken by Congress, which was fundamentally imperialist in nature and had no intention of proceeding with a true process of political self-determination in Puerto Rico.

23. If the existence of a colonial regime was recognized, then power must be transferred to the Puerto Rican people, who, in exercise of their sovereignty, could determine the nature and scope of their relations with the United States.

24. Since the United States Government refused to recognize the norms of international law in the case of Puerto Rico, it was increasingly urgent for the Special Committee to consider recommending to the General Assembly that it should request an advisory opinion of the International Court of Justice defining the status of Puerto Rico under existing international law.

25. President Clinton was on the verge of signing a bill which would hurt the economic development of Puerto Rico and was a new manifestation of the colonialist nature of United States relations with Puerto Rico. The bill had caused many protests; nevertheless it had had a positive effect by strengthening anti-colonialist sentiment and Puerto Rican national identity.

26. Exactly 98 years earlier, to the day, United States armed forces had invaded Puerto Rico. However, despite all efforts, international solidarity and the patient work of the Special Committee, the United States was still not ready to meet its obligation to engage in a true process of self-determination to bring the indignity of colonialism to an end. The Committee should therefore make specific recommendations to the General Assembly to prevent that situation of colonialism from being prolonged indefinitely. The Congreso Nacional Hostosiano again requested that Puerto Rican political prisoners should be released, reaffirmed the right of the Puerto Rican people to self-determination and independence, and recommended that that instance of colonialism should be brought before the International Court of Justice and that a visiting mission should be sent to Puerto Rico. He further appealed to the United States to observe the norms of international law in the process of the decolonization of Puerto Rico.

27. Mr. Martínez withdrew.

28. At the invitation of the Chairman, Mr. Martín (Vice-President, Puerto Rican Independence Party) took a place at the petitioners' table.

29. Mr. MARTÍN (Puerto Rico) said that important new facts concerning the political situation of Puerto Rico and its relations with the United States had come to light over the course of the past year. For over 20 years, the United States Government had completely ignored the resolutions in which the Special Committee urgently requested it, as the administering Power, to take the necessary measures to allow the people of Puerto Rico to exercise fully their right to self-determination and independence.

30. Between 1989 and 1991, the United States Congress had tried unsuccessfully to organize elections in Puerto Rico. In 1993, the territorial government had held a referendum on the legal status of Puerto Rico. The Puerto Rican Independence Party had participated, believing that the vote would help to break the impasse surrounding so-called commonwealth status. The results of the vote had made it clear that neither the maintenance of the relations currently existing between the United States and Puerto Rico, nor annexation of Puerto Rico by the United States, would receive the approval of the majority. Neither of those formulas had received an absolute majority because of the number of votes in favour of independence.

31. At the beginning of 1996, Congress, at the request of the colonial legislature, had begun to react to the results of the 1993 referendum. The Chairman of the Committee on Resources of the House of Representatives, Mr. Young, had submitted a bill that unequivocally denounced the status of commonwealth in free association, and proposed that the Puerto Rican people must choose between annexation and sovereignty in the form of either genuine free association or independence. Whatever the majority decided, the President of the United States would submit a proposal to Congress for the transition to the new regime. It was certainly tempting and easy to state that the Young bill respected neither the spirit nor the letter of General Assembly resolution 1514 (XV). However, the Puerto Rican Independence Party was deeply convinced that the annexation scenario would never be approved by Congress, and as a result, if the bill received final approval it would open the way to the true

decolonization of Puerto Rico: independence. For that reason the Puerto Rican Independence Party was in favour of the bill, despite its deficiencies as far as international law on decolonization was concerned.

32. Moreover, the debate in Congress that the bill would provoke would bring to light the economic, political, cultural and linguistic contradictions implicit in annexation, which Congress had never before had an opportunity to study carefully. The debate, which had just begun, would also give Puerto Ricans an opportunity to become fully aware of the true meaning of annexation for the survival of their nation. He also hoped that the United States Government would take that opportunity to release Puerto Rican prisoners. In the final analysis, the Young bill would be judged by its usefulness in the cause of independence.

33. It was his hope that, in the coming year, the situation would have progressed sufficiently that the Special Committee would be in a position to adopt a resolution in favour of Puerto Rican independence, and that, as a result, the final objective of the International Decade for the Eradication of Colonialism would be realized.

34. Mr. Martín withdrew.

35. At the invitation of the Chairman, Mr. Hernández (National Congress for Puerto Rican Rights) took a place at the petitioners' table.

36. Mr. HERNÁNDEZ said that, when it was established, the National Congress for Puerto Rican Rights had included in its platform a clause stating its support for the Dellums Resolution adopted by the United States Congress in 1976, which had followed the letter and spirit of the Declaration on the Granting of Independence to Colonial Countries and Peoples. His organization considered Puerto Rico to be a colony of the United States whose people had not yet been able to exercise their inalienable right to self-determination and independence. In addition, it believed that the United States had not complied with the procedures outlined in the Declaration. Consequently, the Special Committee should recommend to the General Assembly that it should require yearly reports on the political status of the island, as the United States had been compelled to make from 1946 to 1953, when it had succeeded in convincing most delegations that Puerto Rico had achieved a degree of self-government.

37. The National Congress was made up of Puerto Ricans who, while residing in the United States, considered themselves part of the Puerto Rican people and wished to participate in the resolution of their country's political status. They had been fighting for their sovereign rights for over a century, even though they had been victims of the most vicious repressive measures taken against any people struggling for liberation. Fifteen political prisoners and prisoners of war were still serving terms in United States jails. Incidentally, all of those prisoners had been residents of the United States at one time or another, and most had been living there when they were arrested. Their immediate release would be highly important to the Puerto Rican community.

38. The inclusion of Puerto Ricans in the United States in the debate on the political status of the island was not new, as confirmed by data collected on the subject in the past few years. To exclude them would be a serious setback

for decolonization. In fact, several polls had shown that Puerto Ricans in the United States had the same views as those on the island regarding the future of Puerto Rico. The United States Congress had confirmed that fact in 1991, when the Committee on Insular and International Affairs of the House of Representatives had considered a proposal that they should be allowed to vote in the referendum then being planned, but which, unfortunately, had never been held. Puerto Ricans in the United States had been excluded from the referendum on the island's political status held in November 1993. The largest daily newspaper in Puerto Rico had conducted a survey among the population of the island which had revealed that the majority believed that Puerto Ricans in the United States should also be allowed to vote on the status of the Territory. Finally, a large group of Puerto Ricans from the United States had participated in the huge demonstration held on 14 July 1996.

39. As a people displaced primarily because of the colonial status of the Territory, Puerto Ricans in the United States wanted to participate in the long-deferred decision on the political status of Puerto Rico. In 1989, the island's three political parties had written to the President of the United States and Congressional leaders to demand that Puerto Rico should be consulted regarding its relationship with the United States. The President had agreed, but each time the United States had taken steps to deal with the matter, they had been on its terms. The Puerto Rican people had never been offered the possibility to exercise fully their right to self-determination. Puerto Rico could find itself in a situation similar to Quebec, Northern Ireland or Lithuania, where the issue of political status has never been resolved. The Special Committee and the General Assembly could not allow the United States to establish conditions unilaterally. There could not be fair elections leading to decolonization while the island was dominated militarily, economically and politically. Unfortunately, it appeared that no progress had been made, judging by a February 1996 letter addressed to the President of the Puerto Rican Senate and to the Speaker of its House of Representatives by the Chairman of the House Committee on Resources which, after referring to the Treaty of Paris, said that the question of the political status of that unincorporated territory was not settled.

40. The National Congress for Puerto Rican Rights therefore requested the Special Committee to ask the United States to resume the transmission of yearly reports on the political status of Puerto Rico until the Puerto Rican people had exercised their right to self-determination, to recognize the right of Puerto Ricans in the United States to participate in the discussions on the island's colonial status, and to review the situation of political prisoners and the obstacles to discussion of the future status of Puerto Rico.

41. Mr. Hernández withdrew.

42. At the invitation of the Chairman, Mr. Muriente Pérez (New Puerto Rican Independence Movement) took a place at the petitioners' table.

43. Mr. MURIENTE PÉREZ appealed for the solidarity of the international community with the cause of self-determination and independence for Puerto Rico, on the ninety-eighth anniversary of its invasion by the United States army. At the time of the invasion, the Puerto Rican people already possessed a national

identity and their own history and had struggled to free themselves from Spanish colonial domination. Several months before, when Cuba was winning its revolution, Spain had granted Puerto Rico autonomy; the United States Government had then set out to conquer the island. Since that time it had ruled Puerto Rico, building military bases, enriching itself from the people's labour and imposing colonial relations in every sense of the word.

44. The General Assembly had acknowledged Puerto Rico's status as a Commonwealth in its resolution 748 (VIII), which had been adopted by a very slim majority with many abstentions, but the Puerto Rican people had continued their struggle for decolonization.

45. During 1996, the Young bill had been submitted to the United States Congress. It would result in the annexation of Puerto Rico, by means of a distorted referendum, against the will of the people. That would represent an attack on their right to self-determination and independence, a new unilateral and colonialist measure by the United States Congress, which arbitrarily controlled their lives. Moreover, the United States army planned to strengthen its presence on the island. Using the pretext of combating drug trafficking in the Caribbean, it wished to install a radar system, giving no thought to the will of the people.

46. Puerto Rico's colonialist economy, a source of enrichment for the major cities of the metropolitan United States, was also to be deplored. The United States Congress was currently planning to remove a provision from the tax code governing the economy of Puerto Rico, demonstrating its dependence on the decisions of an all-powerful Congress.

47. The Puerto Rican people were attempting to reach a consensus in their struggle for decolonization and self-determination. Over 100,000 Puerto Ricans had marched on 14 July against annexation. That non-partisan demonstration, which had included participants from the entire political spectrum, had been an affirmation of Puerto Rican nationhood. There was also a remarkable degree of national unity in the desire to obtain the release of the 15 Puerto Rican political prisoners, whose only crime had been to fight for the liberation of their country. Tens of thousands of letters on that issue had been sent to the President of the United States.

48. At the international level, the United States was trying to prevent the international community from showing its support to the Puerto Rican cause. Nevertheless, the eleventh summit of the Movement of Non-Aligned Countries had recognized the right of the Puerto Rican people to self-determination and independence.

49. The New Puerto Rican Independence Movement hoped that the Special Committee on decolonization would reaffirm the right of the Puerto Rican people to self-determination and independence and would see that resolution 1514 (XV) was rigorously implemented. It should also invite the United States Congress and Government to relinquish control of Puerto Rico and, in particular, to refrain from any initiative for annexation, which would be an attack on the national integrity of Puerto Rico. Finally, it must achieve the demilitarization of Puerto Rico and the release of the political prisoners.

50. Mr. Muriente Pérez withdrew.

51. Mr. NUÑEZ-MOSQUERA (Cuba) said that the Puerto Rican and Cuban peoples had become brothers in their struggle for independence, first from Spanish colonialism, and then against the colonial Power of the United States. Forty-four years earlier, Puerto Rico had been dubbed a "commonwealth", and, over the years, the United States had always attempted to deny its right to self-determination and independence. It had established many military bases and installations on the island, some of which had nuclear elements, in flagrant violation of the treaty prohibiting nuclear weapons in Latin America. The United States continued to pillage the island's natural resources.

52. The noblest sons of Puerto Rico had been imprisoned unjustly for the sole reason that they had fought for self-determination. Every effort was being made as well to see that the Puerto Rican people lost their national identity. On 14 July 1996, over 100,000 Puerto Ricans of all political persuasions had demonstrated in the streets to affirm their nationality and reject their colonial status. Cuba attached the greatest importance to that demonstration. The Special Committee had decided to take a substantive decision in 1997 at the latest, and his delegation was certain that the consultations to be held would result in a decision recognizing the aspirations of its brothers in Puerto Rico, who should be allowed to exercise their inalienable right to self-determination in accordance with General Assembly resolution 1514 (XV).

53. At the invitation of the Chairman, Mr. Anduze Montaño (President of the Puerto Rico Bar Association) took a place at the petitioners' table.

54. Mr. ANDUZE MONTAÑO, presenting the pluralistic point of view of Puerto Rican jurists, noted that 25 July was a date of special importance to Puerto Rico; it marked the ninety-eighth anniversary of the arrival of United States troops in the Territory, which had previously been colonized by Spain.

55. Based on the fact that the Puerto Rican people should be able to exercise their right to self-determination, the Bar had requested the Special Committee to adopt a resolution asking the United States Government to reach a decision within a year at the latest on the political status of the island, taking into account the results of the 1993 referendum, in which 53 per cent of the electorate had rejected annexation. Failing that, the United States Congress should authorize the holding of another referendum with binding effect, in accordance with General Assembly resolution 1514 (XV).

56. That request, however, had nothing to do with Bill No. 3024 being considered in the House of Representatives, also known as the "Young bill". That bill did not represent the results of consultations with the legitimate representatives of the Puerto Rican people, to which it had been presented after the fact. Nor did it contain provisions that would make it acceptable with regard to international law and resolution 1514 (XV). There were numerous gaps, particularly regarding the transfer of powers, the right to vote and compensation. It also revealed the true nature of the political relationship between Puerto Rico and the United States. In a letter to the Presidents of Puerto Rico's two legislative bodies, which had been brought to the attention of the chairmen of its three political parties, Mr. Young and three of his

colleagues stated without ambiguity that the current political status of Puerto Rico was that of an unincorporated territory of the United States subject to the authority of Congress, in accordance with the territorial clause of the United States Constitution. The letter suggested that a permanent union between the two entities and United States citizenship were not guaranteed, that Puerto Rico did not have true political sovereignty, that there was no bilateral compact binding on the United States, and that the status of commonwealth, or any other status adopted under current conditions, would be neither irrevocable nor permanent and was not binding on Congress. Inequality was the hallmark of relations between Puerto Rico and the United States, which believed that self-determination could only be extended with the support of Congress and within the framework of the Constitution. That view of the matter had been denounced for decades by Puerto Rican anti-colonialist forces. The fact that some representatives in Congress insisted on the use of English in Puerto Rico to preserve national unity was equally revealing. All those elements clearly showed that General Assembly resolution 748 (VIII) was a fraud.

57. The General Assembly must, therefore, re-examine the question of Puerto Rico, request an advisory opinion from the International Court of Justice, and restore Puerto Rico to the list of territories unable to exercise their right to self-determination and independence. The existence of a colonial State in Puerto Rico effectively called into question the raison d'être of the United Nations and the principles of the Charter. The recent demonstrations proved that Puerto Rico needed to reaffirm its national identity and was not satisfied with its status. The General Assembly must, in addition, condemn the unjust imprisonment of 15 Puerto Ricans fighting for national liberation.

58. Mr. Anduze Montaño withdrew.

59. At the invitation of the Chairman, Mr. Fernandez (Justice for Puerto Rico) took a place at the petitioners' table.

60. Mr. FERNANDEZ said that the General Assembly had recognized that the eradication of colonialism was one of the priorities of the United Nations for the decade that had begun in 1990 and that measures must be taken speedily in order to eliminate its last vestiges by the year 2000. In Puerto Rico, however, colonialism was more than a vestige; after 98 years, it continued to constitute a terrible crime against humanity. That accusation might appear extreme, but documentation from the United States Government would support it (a copy was attached to the text of his statement). He hoped that such strong words would finally induce the Special Committee to react, by taking into consideration not only the facts but the deep indignation they caused among the international community. The leadership of the Democratic and Republican parties in the United States never tired of preaching to the rest of the world about respect for human rights. Therefore, it was time for the Special Committee to denounce those hypocrites and let the truth be known: Puerto Rico was the oldest colony on earth and it was governed by the United States.

61. 25 July 1996 marked the ninety-eighth anniversary of the United States invasion of the territory and its colonization. In 1974, Senator Jackson, who chaired the committee of Congress responsible for the Territory, had publicly declared that Puerto Rico had become part of the United States by an act of

conquest, adding that the island should remain a colony, surprising words from the mouth of a representative of the "free world". It was also important to know that in 1943, when the Trusteeship Council was being established, while the United States spoke willingly of putting an end to colonialism in India and Indochina, it also believed that the American continent was outside the field of application of the trusteeship programme.

62. In 1953, Puerto Rico became the first colony to be removed from the list of dependent territories. In order to obtain that decision by the Special Committee, President Eisenhower had proposed independence for the Territory. It was apparent, however, from the White House archives, that it was not a serious offer and that it was based on a suggestion made at a working breakfast. In fact, only Congress had the authority to take such a decision, and it seemed that there was an element of cynicism, or at least of disdain for the United Nations and the Puerto Rican people, flavouring that proposal. It appeared that by offering independence, the United States was seeking above all to silence its critics in the United Nations, or, as in 1955 when they reiterated the offer, to gain the favour of African countries.

63. The same arrogance could be found in the bill submitted by Mr. Young in March 1996 on the political status of Puerto Rico, which specified, in particular, that it was an unincorporated territory completely dependent on the authority of Congress. As such, its status guaranteed it neither a permanent union, nor the right of citizenship for its inhabitants, nor even the possibility that its sovereignty would be recognized. At least that position was honest, but it obscured the fact that Puerto Rico was an unincorporated territory because the United States had denied it the possibility of statehood. Moreover, it was difficult to know what to think of the situation of a Puerto Rican who could be called to serve in the United States army, but still could not vote for the President of the United States who, as Commander-in-Chief of the armed forces, could send him to fight for democracy in Korea, Viet Nam or Kuwait.

64. Puerto Rico had been a colony in 1950, and had remained so after 1952, despite its status as a Commonwealth. In that regard, the United States Congress could not demand absolute power, then fail to acknowledge that it had borne primary responsibility for the political, economic and social situation in the Territory since 1898.

65. The Special Committee must, therefore, reveal the truth to world opinion. To that end it should demand that, in accordance with the provisions of General Assembly resolution 47/23, the United States should restore freedom to Puerto Rico by the year 2000; it should also support the request that had been sent to President Clinton for the immediate and unconditional release of the 15 Puerto Rican political prisoners and prisoners of war. That would contribute, not to eliminating the vestiges of colonialism, but to helping a country which was today marking its ninety-eighth year of occupation by the United States of America, and its five hundred and eighth year of colonization by Spain and then by the United States.

66. Mr. Fernandez withdrew.

67. At the invitation of the Chairman, Mr. Lizardi (President, Organización de Estadistas ante la ONU) took a place at the petitioners' table.

68. Mr. LIZARDI noted that, 44 years after the proclamation of commonwealth status, the majority of the Puerto Rican people, which had been colonized for some 500 years, wished to make themselves heard and to be able to determine their political future. They had voted against colonization in a referendum in 1993.

69. The Commonwealth was not fully sovereign, since it was subject to the Congress and Constitution of the United States of America. The Congress could, for example, unilaterally repeal that status, as well as Act No. 600 on federal relations. True freedom of association enabled the people of a territory associating itself with an independent State to change their status democratically and to determine their constitution without outside interference. Integration with an independent State was a means of achieving self-government which was fully recognized by General Assembly resolution 1541 (XV) (principle VIII). General Assembly resolution 1469 (XIV) had recognized that Alaska and Hawaii had integrated into the United States of America, exercising the right to self-determination with full self-government. In the case of Puerto Rico, the Congress of the United States of America had simply given it increased power over its internal affairs, without changing its constitutional status.

70. It was for that reason that the United Nations had a very important part to play. General Assembly resolution 748 (VIII) should be repealed, since Puerto Rico was still under the sovereignty of the United States Congress. Also, any resolution adopted should mention the choices available to the people of Puerto Rico, namely independence, free association or integration, in order to encourage the decolonization process which had already begun. The absence of any mention of commonwealth status would be instructive for those Puerto Ricans who did not recognize the colonial nature of the current political situation. The United Nations should also urge the United States Congress to exercise the powers it possessed under the United States Constitution and the Treaty of Paris in order to decolonize Puerto Rico as soon as possible, and finally, it should observe that decolonization process.

71. The granting of United States citizenship had been a step towards integration. Clarifying Puerto Rico's political status would encourage its development, particularly in the economic, social, political and cultural spheres. Puerto Rico was neither a special case nor an international problem; its people were capable of understanding the difficulties facing them, and of becoming the fifty-first state of the United States of America, with the help of that great nation. No relationship was perfect, there might have been errors and injustices on either side, but what mattered was to achieve decolonization in a spirit of democracy and equality. Thereafter, it would be for the island's political parties to play their part. Only the integration of Puerto Rico into the United States of America would provide protection, security and stability for future generations. It was for the United Nations to ensure that Congress took account of the wishes of the Puerto Ricans and honoured the commitments of the United States regarding self-determination for Puerto Rico.

72. Mr. Lizardi withdrew.

73. At the invitation of the Chairman, Ms. Garza (Socialist Workers Party) took a place at the petitioners' table.

74. Ms. GARZA recalled the two rallies held on 14 July 1996 in support of the right to self-determination and, for many, to independence. At the same time, the Governors of the various states of the United States of America had been meeting, seeking to reduce social gains and to deny welfare for hundreds of thousands of workers and to reduce the rights of immigrants.

75. During the 1993 plebiscite, the authorities had cynically pointed to the "benefits" of commonwealth status, but had failed to point out that Puerto Rico was a source of profit for United States corporations and a staging ground for United States policing operations in Latin America and the Caribbean. In addition, opponents of democratic rights and social justice in the United States were pushing for legislation to make English the only official language throughout the United States.

76. Colonial rule meant that the Puerto Rican people were subject to glaring abuse: United States National Guard tanks were stationed at the entrances to working-class housing projects. Residents had protested mistreatment at the hands of the National Guard. There was little protection for their rights, whereas in 1917 they had been made citizens of the United States so that thousands of them could be drafted into the army to fight and die for the few ruling families of the United States.

77. The Pentagon occupied 13 per cent of Puerto Rico's richest arable land with army and naval bases, training camps and test sites for new weapons.

78. The secret police and the court system of the United States perpetuated the country's oppression and impeded its liberation. Fifteen Puerto Rican patriots were in United States jails, serving sentences heavier than those imposed on murderers.

79. Together with their fight against colonial oppression, Puerto Ricans were struggling against the economic and social conditions imposed upon the majority of the population by the massive social transformation over the past 45 years. The economy had become industrialized, and most families' breadwinners were wage workers in manufacturing industries, facing the same problems as workers in other countries: deteriorating wages, unemployment, faster production, industrial pollution and assaults on unions. Unemployment was three times as high as in the United States, and median family income and levels of education were lower. The struggle for the integrity of Puerto Rico as a Latin American nation deserved the full support, not only of the peoples of Latin America, but of all those in the Americas.

80. While the world was faced with capitalist disorder, Washington increasingly used its military and economic power to dictate to nations less powerful than itself in every part of the world.

81. In those conditions, the struggle by the working class against the designs of employers and Government went hand in hand with the fight against colonial oppression. That struggle was intensifying as the world capitalist economic crisis became more pronounced and as employers increasingly sought to exploit Puerto Rican workers. The continued colonial status of Puerto Rico was used to bolster chauvinism and prejudice, which the employers used to divide the workers of the United States and those of Puerto Rico.

82. Cuba and Puerto Rico had a common history of colonial rule, but the Cuban people had been able to free themselves in 1959; since then, the Cuban Government had consistently spoken out against the denial of the right of self-determination for the Puerto Rican people. The Cuban revolution increasingly stood as an example of the achievement of independence. In 37 years, the most powerful and heavily armed empire on earth had not been able to destroy the Cuban revolution. Cuba showed the way forward in the battle for sovereignty, independence and dignity, and demonstrated the power of working people. The United States Government had consistently opposed the efforts of international organizations which supported the struggle of Puerto Rico for independence. The Special Committee should take a firm stand against colonialism.

83. Ms. GARZA withdrew.

84. Mr. BAPTISTA (Indonesia) said that the message distributed on the previous day at the request of Portugal should have been circulated as an official document of the United Nations.

85. Mr. GAMISO (Portugal) recalled that the message had come from the President of the Portuguese Parliament, which had always struggled against colonialism.

86. The CHAIRMAN noted with great interest the observations of the Indonesian delegation, and said he would seek the opinion of the Legal Counsel.

The meeting rose at 1.05 p.m.